

VETERANS' BENEFITS IMPROVEMENT ACT OF 2007

JULY 27, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. FILNER, from the Committee on Veterans' Affairs,  
submitted the following

R E P O R T

[To accompany H.R. 1315]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 1315) to amend title 38, United States Code, to provide specially adaptive housing assistance to certain disabled members of the Armed Forces residing temporarily in housing owned by a family member, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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The amendments are as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Veterans’ Benefits Improvement Act of 2007”.

**SEC. 2. PROVISION OF SPECIALLY ADAPTIVE HOUSING ASSISTANCE TO DISABLED MEMBERS OF THE ARMED FORCES RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.**

Section 2102A of title 38, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) ASSISTANCE FOR MEMBERS OF THE ARMED FORCES.—The Secretary may provide assistance under subsection (a) to a member of the Armed Forces serving on active duty who is suffering from a disability described in subsection (a)(2) or (b)(2) of section 2101 of this title if such disability is the result of an injury incurred or disease contracted in or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under subsection (a) to veterans eligible for assistance under that subsection and subject to the limitation under subsection (c).”.

**SEC. 3. EXTENSION OF PERIOD OF MORTGAGE FORECLOSURE PROTECTION UNDER SERVICEMEMBERS CIVIL RELIEF ACT.**

(a) EXTENSION TO 6 MONTHS.—Subsection (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533(c)) is amended by striking “90 days” and inserting “180 days”.

(b) EXTENSION OF PERIOD OF INTEREST RATE LIMITATION.—Such section is further amended by adding at the end the following new subsection:

“(e) APPLICABILITY OF INTEREST RATE LIMITATION.—Section 207 shall apply with respect to an obligation described in subsection (a) during the 180-day period beginning on the last day of the period of the servicemember’s military service in the same manner that section applies with respect to such an obligation during the period of the servicemember’s military service.”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to any person performing a period of military service (as such term is defined in section 101(2) of such Act (50 U.S.C. App. 511(2))) that begins on or after the date that is 90 days after the date of the enactment of this Act.

**SECTION 4. VISUAL IMPAIRMENT AND ORIENTATION AND MOBILITY PROFESSIONALS EDUCATION ASSISTANCE PROGRAM.**

(a) ESTABLISHMENT OF PROGRAM.—Chapter 76 of title 38, United States Code, is amended by adding at the end the following new subchapter:

**“SUBCHAPTER VIII—VISUAL IMPAIRMENT AND ORIENTATION AND  
MOBILITY PROFESSIONALS SCHOLARSHIP PROGRAM**

**“§ 7691. Authority for program**

“As part of the Educational Assistance Program and subject to the availability of appropriations for such purpose, the Secretary shall carry out a scholarship program under this subchapter. The program shall be known as the Department of Veterans Affairs Visual Impairment and Orientation and Mobility Professionals Scholarship Program (hereinafter in this subchapter referred to as the ‘Program’). The purpose of the Program is to increase the supply of qualified blind rehabilitation specialists for the Department and the Nation.

**“§ 7692. Eligibility; agreement**

“(a) ELIGIBILITY.—To be eligible to participate in the Program, an individual must be accepted for enrollment or enrolled (as described in section 7602 of this title) as a full-time or part-time student in a field of education or training described in subsection (b).

“(b) QUALIFYING FIELDS OF EDUCATION OR TRAINING.—A field of education or training described in this subsection is education or training leading to—

“(1) a degree or certificate in visual impairment or orientation and mobility, or a dual degree or certification in both such areas; and

“(2) appointment or retention in a position under section 7401 of this title.

“(c) AGREEMENT.—(1) An agreement between the Secretary and a participant in the Program shall (in addition to the requirements set forth in section 7604 of this title) include the following:

“(A) The Secretary’s agreement to provide the participant with a scholarship under the Program for a specified number (from one to three) of school years during which the participant pursues a course of education or training described in subsection (b) that meets the requirements set forth in section 7602(a) of this title.

“(B) The participant’s agreement to serve as a full-time employee in the Veterans Health Administration for a period of three years (hereinafter in this subchapter referred to as the ‘period of obligated service’) during the six-year period beginning on the date the participant completes the education or training and receives a degree or certificate described in subsection (b)(1).

“(C) The participant’s agreement to serve under subparagraph (B) in a Department facility selected by the Secretary.

“(2) In a case in which an extension is granted under section 7673(c)(2) of this title, the number of years for which a scholarship may be provided under the Program shall be the number of school years provided for as a result of the extension.

“(3) In the case of a participant who is a part-time student, the period of obligated service shall be reduced in accordance with the proportion that the number of credit hours carried by such participant in any such school year bears to the number of credit hours required to be carried by a full-time student in the course of training being pursued by the participant, but in no event to less than one year.

#### **“§ 7693. Scholarship**

“(a) SCHOLARSHIP.—A scholarship provided to a participant in the Program for a school year shall consist of payment of the tuition (or such portion of the tuition as may be provided under subsection (b)) of the participant for that school year and payment of other reasonable educational expenses (including fees, books, and laboratory expenses) for that school year.

“(b) AMOUNTS.—The total amount of the scholarship payable under subsection (a)—

“(1) in the case of a participant in the Program who is a full-time student, may not exceed \$15,000 for the equivalent of one year of full-time coursework; and

“(2) in the case of a participant in the Program who is a part-time student, shall bear the same ratio to the amount that would be paid under paragraph (1) if the participant were a full-time student in the course of education or training being pursued by the participant as the coursework carried by the participant to full-time coursework in that course of education or training.

“(c) LIMITATIONS ON PERIOD OF PAYMENT.—(1) The maximum number of school years for which a scholarship may be paid under subsection (a) to a participant in the Program shall be six school years.

“(2) A participant in the Program may not receive a scholarship under subsection (a) for more than the equivalent of three years of full-time coursework.

“(d) PAYMENT OF EDUCATIONAL EXPENSES BY EDUCATIONAL INSTITUTIONS.—The Secretary may arrange with an educational institution in which a participant in the Program is enrolled for the payment of the educational expenses described in subsection (a). Such payments may be made without regard to subsections (a) and (b) of section 3324 of title 31.

“(e) FULL-TIME COURSEWORK.—For purposes of this section, full-time coursework shall consist of the following:

“(1) In the case of undergraduate coursework, 30 semester hours per undergraduate school year.

“(2) In the case of graduate coursework, 18 semester hours per graduate school year.

#### **“§ 7694. Obligated service**

“(a) IN GENERAL.—Each participant in the Program shall provide service as a full-time employee of the Department for the period of obligated service provided in the agreement of the participant entered into under section 7604 of this title. Such service shall be provided in the full-time clinical practice of such participant’s profession or in another health-care position in an assignment or location determined by the Secretary.

“(b) DETERMINATION OF SERVICE COMMENCEMENT DATE.—(1) Not later than 60 days before a participant’s service commencement date, the Secretary shall notify the participant of that service commencement date. That date is the date for the beginning of the participant’s period of obligated service.

“(2) As soon as possible after a participant’s service commencement date, the Secretary shall—

“(A) in the case of a participant who is not a full-time employee in the Veterans Health Administration, appoint the participant as such an employee; and

“(B) in the case of a participant who is an employee in the Veterans Health Administration but is not serving in a position for which the participant’s course of education or training prepared the participant, assign the participant to such a position.

“(3)(A) In the case of a participant receiving a degree from a school of medicine, osteopathy, dentistry, optometry, or podiatry, the participant’s service commence-

ment date is the date upon which the participant becomes licensed to practice medicine, osteopathy, dentistry, optometry, or podiatry, as the case may be, in a State.

“(B) In the case of a participant receiving a degree from a school of nursing, the participant’s service commencement date is the later of—

“(i) the participant’s course completion date; or

“(ii) the date upon which the participant becomes licensed as a registered nurse in a State.

“(C) In the case of a participant not covered by subparagraph (A) or (B), the participant’s service commencement date is the later of—

“(i) the participant’s course completion date; or

“(ii) the date the participant meets any applicable licensure or certification requirements.

“(4) The Secretary shall by regulation prescribe the service commencement date for participants who were part-time students. Such regulations shall prescribe terms as similar as practicable to the terms set forth in paragraph (3). (c)

“(c) COMMENCEMENT OF OBLIGATED SERVICE.—(1) Except as provided in paragraph (2), a participant in the Program shall be considered to have begun serving the participant’s period of obligated service—

“(A) on the date, after the participant’s course completion date, on which the participant (in accordance with subsection (b)) is appointed as a full-time employee in the Veterans Health Administration; or

“(B) if the participant is a full-time employee in the Veterans Health Administration on such course completion date, on the date thereafter on which the participant is assigned to a position for which the participant’s course of training prepared the participant.

“(2) A participant in the Program who on the participant’s course completion date is a full-time employee in the Veterans Health Administration serving in a capacity for which the participant’s course of training prepared the participant shall be considered to have begun serving the participant’s period of obligated service on such course completion date.

“(d) COURSE COMPLETION DATE DEFINED.—In this section, the term ‘course completion date’ means the date on which a participant in the Program completes the participant’s course of education or training under the Program.

**“§ 7695. Repayment for failure to satisfy requirements of agreement**

“(a) IN GENERAL.—An individual who receives educational assistance under this subchapter shall repay to the Secretary an amount equal to the unearned portion of such assistance if the individual fails to satisfy the requirements of the agreement entered into under section 7604 of this title, except in circumstances authorized by the Secretary.

“(b) AMOUNT OF REPAYMENT.—The Secretary shall establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to the required repayment may be granted.

“(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary shall prescribe regulations providing for the waiver or suspension of any obligation of an individual for service or payment under this subchapter (or an agreement under this subchapter) whenever noncompliance by the individual is due to circumstances beyond the control of the individual or whenever the Secretary determines that the waiver or suspension of compliance is in the best interest of the United States.

“(d) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to repay the Secretary under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date of the termination of the agreement or contract on which the debt is based.”.

(b) CLERICAL AMENDMENT.—The tables of sections at the beginning of such chapter is amended by inserting after the items relating to subchapter VII the following new items:

“SUBCHAPTER VIII—VISUAL IMPAIRMENT AND ORIENTATION AND MOBILITY PROFESSIONALS SCHOLARSHIP PROGRAM

“7691. Authority for program.

“7692. Eligibility; agreement.

“7693. Scholarship.

“7694. Obligated service.

“7695. Repayment for failure to satisfy requirements of agreement.”.

(c) CONFORMING AMENDMENTS.—Such chapter is further amended—

(1) in section 7601(a)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(6) the Visual Impairment and Orientation and Mobility Professionals Scholarship Program provided for in subchapter VIII of this chapter.”;

(2) in section 7602—

(A) in subsection (a)(1)—

(i) by striking “or VI” and inserting “VI, or VIII”; and

(ii) by striking “or for which a scholarship may be awarded under subchapter VI of this chapter” and inserting “for which a scholarship may be awarded under subchapter VI of this chapter, or for which a scholarship may be awarded under subchapter VIII of this chapter”; and

(B) in subsection (b), by striking “or VI” and inserting “VI, or VIII”;

(3) in section 7603(a)(1), by striking “or VI” and inserting “VI, or VIII”; and

(4) in section 7604, by striking “or VI” each place it appears and inserting “VI, or VIII”.

(d) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall implement subchapter VIII of chapter 76 of title 38, United States Code, as added by section 1, not later than six months after the date of the enactment of this Act.

#### SEC. 5. VETERANS' REEMPLOYMENT RIGHTS REPORT IMPROVEMENT.

(a) ADDITIONAL REPORT REQUIREMENTS.—Section 4332 of title 38, United States Code, is amended—

(1) by striking “The Secretary shall” and inserting “(a) REPORT REQUIRED.—The Secretary shall”;

(2) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively, and inserting after paragraph (3) the following new paragraph (4):

“(4) The number of cases reviewed by the Secretary of Defense under the National Committee for Employer Support of the Guard and Reserve of the Department of Defense during the fiscal year for which the report is made.”.

(3) in paragraph (5), as so redesignated, by striking “or (3)” and inserting “(3), or (4)”;

(4) by redesignating paragraph (7), as so redesignated, as paragraph (8), and inserting after paragraph (6) the following new paragraph (7):

“(7) An indication of which of the cases reported on pursuant to paragraphs (1), (2), (3), and (4) are disability-related.”.

(5) by adding at the end the following new subsections:

“(b) UNIFORM CATEGORIZATION OF DATA.—The Secretary shall coordinate with the Secretary of Defense, the Secretary of Veterans Affairs, the Attorney General, and the Special Counsel to ensure that the information required to be submitted as part of the report under subsection (a) is categorized in a uniform way.

“(c) PROVISION OF INFORMATION.—The Secretary shall provide the information contained in the report required under subsection (a) to the Secretary of Defense, the Secretary of Veterans Affairs, the Attorney General, and the Special Counsel.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a report submitted after the date of the enactment of this Act.

#### SEC. 6. INCREASE IN NUMBER OF MEMBERS OF ADVISORY COMMITTEE ON VETERANS EMPLOYMENT, TRAINING, AND EMPLOYER OUTREACH.

Section 4110(c)(1) of title 38, United States Code, is amended by striking “15” and inserting “16”.

Amend the title so as to read:

A bill to amend title 38, United States Code, to make certain improvements in the benefits provided to veterans under laws administered by the Secretary of Veterans Affairs, and for other purposes.

#### PURPOSE AND SUMMARY

H.R. 1315, as amended, would provide injured servicemembers the resources need to help them achieve a level of independent living they may not otherwise enjoy by making them eligible, prior to discharge, for Specially Adapted Housing (SAH) grants provided by the Department of Veterans Affairs (VA). This legislation would better protect our nation's veterans from financial burdens incurred while on active duty by extending the length of the post-deployment mortgage foreclosure protections in the Servicemembers' Civil Relief Act; expand scholarship education programs in order to address more effectively the rehabilitative needs of visually-impaired

veterans; and, bolster reemployment rights for returning veterans by requiring Federal agencies to adopt common terminology.

H.R. 1315 would:

1. Provide SAH assistance to disabled servicemembers not yet discharged from active duty.
2. Extend from 90 days to 180 days the period following release from active duty during which a member of the Armed Forces shall be protected from mortgage foreclosure.
3. Direct the Secretary of the Department of Veterans Affairs to establish a scholarship program for students seeking a degree or certificate in blind rehabilitation under chapter 76 of title 38, United States Code.
4. Require the Secretary of the Department of Labor and the Secretary of the Department of Defense to coordinate their sharing of, and reporting on, the complaint data filed by National Guard and Reservists. Require the agencies to use uniform categories in tracking and reporting the data, and report on hiring difficulties resulting from service-connected disabilities.
5. Provide a technical change to match the maximum number of members from 15 to 16 adding a representative from the National Governor's Association to the Advisory Committee on Veterans Employment, Training and Employer Outreach within the U.S. Department of Labor.

#### BACKGROUND AND DISCUSSION

Under Public Law 109–233, section 101, a partial adapted housing grant was made available to veterans who are, or will be, temporarily residing in a home owned by a family member. Current law authorizes the VA to provide SAH assistance to veterans temporarily residing in a home owned by a family member of up to \$14,000 for a 2101(a) grant or \$2,000 for a 2101(b) grant. This assistance does not include active duty personnel and no temporary assistance can be provided after June 15, 2011.

Severely wounded servicemembers often require lengthy periods of convalescence. Many of these servicemembers remain on active duty status during that extended period. Current law does not provide the SAH benefit prior to discharge so these severely injured active duty servicemembers do not qualify for these housing grants.

It was the intention of Congress to allow servicemembers in transition, prior to discharge, to take advantage of this benefit.

On March 5, 2007, Representative Stephanie Herseth Sandlin of South Dakota, the Chairwoman of the Subcommittee on Economic Opportunity, introduced H.R. 1315, a bill to allow assistance up to \$14,000 which may be used to adapt the family member's home to meet the needs of an injured servicemember not yet enrolled in the VA at that time.

#### MORTGAGE FORECLOSURE PROTECTION

Recognizing the increased need to improve the existing Soldiers' and Sailors' Civil Relief Act of 1940, Congress passed Public Law 108–189, the "Servicemembers Civil Relief Act" (SCRA). Among the protections afforded, SCRA updated existing law to protect veterans and servicemembers with honorable service from foreclosure on mortgaged properties and provided a cap of six percent on inter-

est rates for those on active duty in the event their military service impedes their ability to meet financial obligations incurred before their entry into active military service.

The wars in Iraq and Afghanistan have been especially hard on those who have served, with more than one million troops having served in support of Iraq or Afghanistan. Due to the operational tempo and intense levels of combat that our troops face in these conflicts, more and more returning servicemembers are experiencing signs of serious combat stress and mental health conditions, which add extra hardships to a servicemember's attempt to readjust back to civilian life after active duty service in theater.

The Department of Defense's Task Force on Mental Health reported in early June 2007, that 38 percent of Soldiers and 31 percent of Marines report psychological symptoms. Among members of the National Guard, the figure rises to 49 percent. In the interim, servicemembers that return home who are unable to fully mesh back into normal life may lose their job, their home, and may suffer periods of homelessness.

Some servicemembers, especially those in the Guard and Reserves, face significantly reduced income when deployed. Although SCRA protects servicemembers during, and immediately following, active-duty service, many servicemembers and their families incur significant debt that is difficult to pay off. Combined with common problems in readjusting to civilian life, and mental and physical challenges that many veterans face, these economic challenges can lead to late or missed mortgage payments, eventually triggering foreclosure.

On March 28, 2007, Representative Albert Wynn of Maryland introduced H.R. 1750 which would extend the protections to mortgaged property owned by a servicemember or qualified Reserve or Guard member to one year following active duty, extending the current protection of 90 days.

H.R. 1315, as amended, includes provisions from H.R. 1750. This legislation provides for 180 days of protection and maintains requirements for honorable service under existing law, and requirements that the mortgage has been entered into prior to the period of military service, and would not grant absolute protection. Furthermore, it would require a court hearing (as under existing law) prior to mortgage foreclosures. This court hearing would determine if the servicemember or veteran's inability to pay promptly was materially affected by military service, and allow the court to stay foreclosure, adjust the amount of the financial obligation to protect all parties, or to allow the foreclosure of the veteran-owned property.

#### VISION EDUCATION SCHOLARSHIP

Today there are approximately 160,000 legally blind veterans in the United States. About 35,000 of these veterans are currently enrolled to receive services from the VA.

The most prevalent causes of legal blindness and low vision are age-related, and hence, it is estimated over one million low-vision veterans in the United States, and incidences of blindness among the total veteran population of 26 million, are expected to increase by nearly 40 percent over the next few years.

Public Law 104-262, the “Veterans Health Care Eligibility Reform Act 1996,” requires the VA to maintain its capacity to provide specialized rehabilitative services to disabled veterans. The VA cannot meet its statutory requirements when there are not enough specialists to meet the needs of these veterans.

Public Law 109-461, the “Veterans Benefits, Health Care, and Information Technology Act of 2006,” included a provision to increase the number of Blind Rehabilitation Outpatient Specialists serving our nation’s veterans. However, there are currently not enough counselors certified in blind rehabilitation to provide for the growing number of blind or low-vision veterans.

On February 28, 2007, Representative Sheila Jackson-Lee of Texas introduced H.R. 1240, to direct the VA to establish a scholarship program for students seeking a degree or certificate in blind rehabilitation (Vision Impairment and/or Orientation and Mobility). The availability of these scholarship opportunities would provide an incentive to students considering entry into this field.

In exchange for the scholarship award, students would be required to work for three years in a VA healthcare facility, and mandates that the Secretary shall provide financial assistance to students enrolled in a program of study leading to a degree or certificate in a U.S. state or territory, provided they agree with applicable requirements.

#### REEMPLOYMENT RIGHTS

The Uniformed Services Employment and Reemployment Rights Act (USERRA), chapter 43 of title 38, United States Code, is meant to ensure that all servicemembers return to the seniority and benefits of the civilian jobs they put on hold to serve in the Armed Forces.

After several constituents informed Representative David Reichert of Washington of the difficulties they faced in returning to work, he commissioned a Government Accountability Office (GAO) study in the Fiscal Year 2006 National Defense Authorization Act (Public Law 109-163) to examine how the thousands of Guardsmen and Reservists called up to serve in Iraq and Afghanistan were transitioning back into the civilian workforce. In conducting the study, the GAO reviewed volumes of employer data, assessed current agency policies, interviewed department officials, and met with groups of officers, enlisted personnel, and veterans. GAO concluded that a lack of coordination and common terminology in the reporting of reemployment difficulties was hampering seamless transition from active duty back to civilian work.

The study revealed that the Department of Labor (DOL) and Department of Defense (DOD), which are responsible for tracking the hiring complaints filed by our reserve forces, currently do not coordinate the sharing of this complaint data. This lack of coordination compromises the agencies’ ability to swiftly and effectively respond to possible violations of USERRA. Between FY 2004 and FY 2006, the departments addressed nearly 16,000 formal and informal complaints filed by all servicemembers, but the lack of information sharing between the departments led to a very small percentage of these complaints being reported to Congress. This lack of information sharing and coordination prevents Congress from re-



ceiving a complete and accurate picture of the hiring difficulties faced by Guard and Reservists.

On March 21, 2007, Representative Reichert and Representative Tim Walz of Minnesota introduced H.R. 1632, the "Improving Veterans" Reemployment Act of 2007." The bill would require DOL and DOD to coordinate their sharing of, and reporting on, the complaint data filed by Guard and Reservists facing difficulties being rehired; require them to use uniform categories in tracking and reporting the data; and require the departments to specifically report on hiring difficulties resulting from service-connected disabilities. These provisions would enable Congress to better identify trends in the reemployment difficulties reserve forces face and the corrective actions needed to ease their transition back into the civilian workforce.

#### LEGISLATIVE HISTORY

On June 7, 2007, the Subcommittee on Economic Opportunity held a hearing on Specially Adaptive Housing Programs for Veterans.

On June 21, 2007, the Subcommittee on Economic Opportunity held a legislative hearing on a number of bills introduced during the 110th Congress, including H.R. 1750, introduced by Representative Wynn of Maryland; H.R. 1240, introduced by Representative Jackson-Lee of Texas; H.R. 1632, introduced by Representative Reichert of Washington; and, H.R. 1315, introduced by Chairwoman Herseth Sandlin of South Dakota.

On June 29, 2007, the Subcommittee on Economic Opportunity marked up H.R. 1315, H.R. 1750, H.R. 1240, and H.R. 1632. Representative John Hall of New York offered an amendment to H.R. 1750 to amend the effective date of the legislation from February 1, 2003, to the date that is 90 days after the date of enactment. Representative Hall offered an Amendment in the Nature of a Substitute to H.R. 1240 which would authorize the scholarship program under the Health Professionals Educational Assistance Program, chapter 76 of title 38, United States Code, rather than creating a new chapter 80 in title 38, United States Code. Representative Hall also offered a technical amendment to H.R. 1632 to increase the maximum number of members on the existing Advisory Committee on Veterans Employment, Training and Employer Outreach within the Department of Labor by one representative. The Subcommittee agreed to all amendments by voice vote and ordered H.R. 1315; H.R. 1750, as amended; H.R. 1240, as amended; and, H.R. 1632, as amended, reported favorably to the full Committee.

On July 17, 2007, the full Committee met in open markup session and approved a number of bills including H.R. 1315, as amended. The amendment to H.R. 1315 was in the nature of a substitute and included provisions from the bills reported favorably by the Subcommittee on Economic Opportunities; H.R. 1750, H.R. 1240, and H.R. 1632.

Representative John Boozman of Arkansas offered an amendment to the Amendment in the Nature of a Substitute for H.R. 1315 that was not agreed to by voice vote. The full Committee, by voice vote, ordered H.R. 1315, as amended, reported favorably to the House of Representatives.

## SECTION-BY-SECTION

*Section 1. Short title*

This section would provide the short title of H.R. 1315 as the “Veterans’ Benefits Improvement Act of 2007.”

*Section 2. Provision of specially adaptive housing assistance to disabled members of the Armed Forces residing temporarily in housing owned by a family member*

This section would amend section 2102A of title 38, United States Code, to provide assistance under subsection (a) to a member of the Armed Forces serving on active duty who is suffering from a disability described in subsection (a)(2) or (b)(2) of section 2101 of title 38, United States Code.

*Section 3. Extension of period of mortgage foreclosure protection under Servicemembers Civil Relief Act*

Subsection (a) amends subsection (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C., App. 533(c)) to extend from 90 days to 180 days the period following release from active duty during which a member of the Armed Forces shall be protected from mortgage foreclosure.

Subsection (b) adds new subsection (e) to section 303 of the Servicemembers Civil Relief Act (50 U.S.C., App. 533(c)) to mandate that the interest rate limitation in section 207 (of the Servicemembers Civil Relief Act) shall apply during the 180 day period beginning on the last day of the period of the servicemember’s military service in the same manner that section applies with respect to such an obligation during the period of the servicemember’s military service.

Subsection (c) provides that the amendments made by subsections (a) and (b) shall apply to a period of military service that begins on or after the date that is 90 days after the date of enactment.

*Section 4. Visual impairment and orientation and mobility professionals education assistance program*

Subsection (a) amends chapter 76, of title 38, United States Code, by establishing a new Subchapter VIII—Visual Impairment and Orientation and Mobility Professional Scholarship Program.

New section 7692 would direct the Secretary to establish the program for full or part-time students seeking a degree or certificate in blind rehabilitation (Vision Impairment and/or Orientation and Mobility). The participants in this program would be required to work for three years in a VA healthcare facility.

New section 7693 would authorize a scholarship award for any full-time student per academic year not to exceed up to \$15,000. The maximum award for any part-time student would be determined in proportion to the amount that would be provided if the student were full-time. For any student, the total amount of assistance would not exceed \$45,000. This section provides that the maximum duration for financial assistance under this program would be six years. Finally, this section defines full-time coursework for an undergraduate as 30 semester hours per undergraduate school

year and 18 semester hours per graduate school year in the case of graduate coursework.

New section 7694 would require participants in the program to provide service as a full-time employee of the VA for a period of obligated service in the clinical practice of the participant's profession or in another health-care position in an assignment or location to be determined by the Secretary. This section would require, no later than 60 days before the participant's commencement date, that the Secretary notify the participant of that service commencement date. In the case in which the participant is receiving a degree from a school of medicine, osteopathy, dentistry, optometry, or podiatry, the participant's service commencement date would be the date upon which the participant becomes licensed in a state. In the case in which a participant receiving a degree from a school of nursing, the start date would be whichever comes later: the participant's course completion date; or, the date in which the participant becomes licensed as a registered nurse in the state.

New section 7695 would require the applicant to repay the amount equal to the unearned portion of assistance if the applicant fails to satisfy the requirements of the agreement except in circumstances authorized by the Secretary. This section would require the Secretary to establish procedures for determining the amount of the repayment required, as well as the circumstances under which an exception to the required repayment may be granted. The Secretary would be required to prescribe regulations for the waiver or suspension of an applicant's obligation for service or payment whenever the applicant's noncompliance is due to circumstances beyond his or her control or it is in the best interest of the United States.

*Section 5. Veterans' reemployment rights report improvement*

Subsection (a) would amend section 4332 of title 38, United States Code, to require DOL to provide to Congress an annual report on veterans' reemployment rights. This section would require DOL, DOD, VA, the Attorney General and the Special Counsel to coordinate uniform categories in tracking and reporting data, and would require the departments to specifically report on hiring difficulties resulting from service-connected disabilities.

Section (b) would apply amendments made by this section with respect to a report submitted after the date of enactment.

*Section 6. Increase in number of members of Advisory Committee on Veterans Employment, Training, and Employer Outreach*

This section would provide a technical amendment to section 4110(c)(1) of title 38, United States Code, to change the number of members from 15 to 16.

EXPLANATION OF AMENDMENT

The following amendment to the Amendment in the Nature of a Substitute was not agreed to by the Committee:

Representative John Boozman of Arkansas, Ranking Member of the Subcommittee on Economic Opportunity, offered an amendment to section 3, subsection (e) of the Amendment in the Nature of a Substitute to strike 180 days and insert 120 days.

Based on supporting commentary from the Mortgage Bankers Association, Representative Boozman stated his support of the four bills included in the Amendment in the Nature of a Substitute to H.R. 1315, but noted that his concerns about the extension of the SCRA moratorium on mortgage foreclosures from the current 90 days to one-year as proposed in H.R. 1750 (section 3 of the amendment in the nature of a substitute to H.R. 1315). Representative Boozman noted that Congress needed to hear from the financial services industry before proceeding with the 180 days. The Mortgage Bankers Association provided comments to the Committee that expressed concerns about the extension and the likelihood of foreclosure relative to the amount of arrearages accumulated by a borrower.

Representative Boozman believes the amendment he offered would provide an appropriate extension of time that does not lead the servicemember to possible bankruptcy.

#### COMMITTEE CONSIDERATION

On July 17, 2007, the Committee ordered H.R. 1315, as amended, reported favorably to the House of Representatives by voice vote.

#### ROLLCALL VOTES

The Committee held no rollcall votes on this bill. A motion to order H.R. 1315, as amended, reported favorably to the House of Representatives was agreed to by voice vote.

#### APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill does not relate to employment or access to public services and accommodations.

#### STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause (3)(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress to enact the law proposed by H.R. 1315. The Committee finds that Article 1, Section 8 of the Constitution of the United States grants Congress the power to enact this law.

## FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., section 5(b).

## UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104-4) requires a statement whether the provisions of the reported bill include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office that is included herein.

## EARMARK IDENTIFICATION

H.R. 1315, as amended, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

## COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 1315, as amended. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST  
ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 26, 2007.*

Hon. BOB FILNER,  
*Chairman, Committee on Veterans' Affairs,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1315, the Veterans' Benefits Enhancement Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mike Waters.

Sincerely,

PETER R. ORSZAG, *Director.*

Enclosure.

*H.R. 1315—Veterans' Benefits Improvement Act of 2007*

Summary: H.R. 1315 would make several changes to programs for servicemembers and veterans, including expanding eligibility for certain housing grants, extending the period of protection against foreclosure and rising interest rates on mortgages, and establishing a new scholarship program. Enacting H.R. 1315 would

increase direct spending by requiring lenders to reduce interest rates on mortgages for some military members by an additional 180 days. That provision would modify the cost of some existing loan guarantees and would increase direct spending by \$8 million in 2008, CBO estimates. In addition, CBO estimates that implementing H.R. 1315 would result in discretionary costs of \$2 million over the 2008–2012 period, assuming the availability of appropriated funds. Enacting the bill would have no effect on federal revenues.

H.R. 1315 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. H.R. 1315 contains a private-sector mandate as defined in UMRA, but CBO estimates that the annual cost of the mandate would not exceed the threshold established in UMRA (\$131 million in 2007, adjusted annually for inflation).

**Estimated cost to the Federal Government:** The estimated budgetary impact of H.R. 1315 is shown in the following table. The cost of this legislation falls primarily within budget function 370 (commerce and housing credit).

	By fiscal year, in millions of dollars—											
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2008– 2012	2008– 2017
CHANGES IN DIRECT SPENDING <sup>a</sup>												
Estimated Budget Authority .....	8	*	*	*	*	*	*	*	*	*	8	9
Estimated Outlays .....	8	*	*	*	*	*	*	*	*	*	8	9

Note: \* = less than \$500,000.

<sup>a</sup>Implementing H.R. 1315 also would have discretionary costs of less than \$500,000 a year and about \$2 million over the 2008–2012 period, subject to the availability of appropriated funds.

**Basis of Estimate:** For this estimate, CBO assumes that H.R. 1315 will be enacted near the beginning of fiscal year 2008. Most of the costs of H.R. 1315 would stem from a modification of existing loan guarantees. Such costs are estimated on a present value basis and recorded in the year in which the legislation is enacted. (If this bill is enacted prior to October 1, 2007, the costs would be recorded in the current year.)

#### *Direct spending*

H.R. 1315 would increase direct spending primarily by lowering the interest rate on the government-guaranteed mortgages held by certain servicemembers. CBO estimates that under H.R. 1315, direct spending would increase by \$8 million in 2008 and by \$9 million over the 2008–2017 period.

**Reduced Interest Rates on Mortgages.** Under the Soldiers' and Sailors' Civil Relief Act (SSCRA) (50 U.S.C. App. 501 et. seq.), a servicemember with a mortgage that existed prior to starting active duty is eligible to have the interest rate on the mortgage reduced to 6 percent while the member continues to serve on active duty. Any interest payments coming due during that time period in excess of 6 percent must be forgiven by the lender. Section 3 would extend this 6 percent cap on mortgage interest payments to 180 days after the member leaves active duty. CBO expects extending

the lower interest rate to 180 days would primarily benefit reserve members, who are more likely to have mortgages that exist prior to active-duty service.

Some military members have mortgages guaranteed by the Department of Veterans Affairs (VA) or the Federal Housing Administration (FHA). Those mortgages are generally included in the Government National Mortgage Association's (GNMA's) Mortgaged-Backed Securities (MBS) program. In exchange for a fee charged to lenders or issuers of the securities, GNMA guarantees the timely payments of scheduled principal and interest due on the pooled mortgages that back those securities. Thus, GNMA is responsible for covering any loss of payments, including those stemming from a reduced interest rate.

Based on information from GNMA and assuming enactment in early fiscal year 2008, CBO estimates that enacting section 3 would increase direct spending by \$8 million in 2008 by requiring GNMA to pay forgone interest on certain mortgages included in its MBS program to lenders and issuers. (Such forgone interest is the difference between the interest payments at 6 percent and the payments at a higher interest rate currently being paid by the borrower.) Because enacting this provision would change the cash flows associated with some underlying mortgages in GNMA's MBS program, paying the forgone interest expense on securities with those mortgages would be a modification of existing GNMA loan guarantees. Under credit reform procedures, the costs of such modifications are estimated on a present value basis and recorded in the year in which the legislation is enacted.

**Extension of Mortgage Foreclosure Protection.** Section 3 would also prevent an entity from foreclosing on a mortgage within 180 days after a servicemember leaves active duty. SSCRA currently prevents such a foreclosure within 90 days after a member leaves active duty. Federal agencies such as VA and FHA, which currently guarantee the mortgages of some servicemembers, are responsible for the payment of any interest that accrues between the period when the payments on the mortgage cease and the agency finally settles the loan with the originator. Therefore, delaying some foreclosures could result in additional costs to the federal government. Because of the low number of affected mortgages, CBO estimates such costs would be less than \$500,000 in 2008 and \$1 million over the 2008–2017 period.

**Expansion of Specially Adaptive Housing Grants.** VA currently administers a grant program to assist severely disabled veterans and servicemembers to modify housing to adapt it to their disabilities. While both servicemembers and veterans may receive those grants to adapt a permanent residence, only veterans are currently allowed to use this program to modify a residence owned by a family member where the veteran intends to reside temporarily. Section 2 would allow servicemembers that same assistance for such temporary housing.

CBO estimates that most of the servicemembers who would be affected by this provision would have only a few months of active-duty time remaining before being separated or retired for disability. Thus, the effect of this section would be to accelerate by a few months the use of this benefit. Based on the small number of likely recipients and the fact that the program will expire in 2011,

CBO estimates that this provision would have no significant impact on direct spending over the 2008–2017 period.

*Spending subject to appropriation*

Section 4 would require VA to establish a scholarship program to provide tuition and fee assistance to certain students in exchange for an agreement to work for three years at the department following the completion of the required course work. Eligible students would be those training to assist blind or visually impaired individuals in learning how to move about safely, manage a household, or gain vocational skills.

According to the Association for Education and Rehabilitation of the Blind and Visually Impaired, most schools that provide the necessary education and training to be a qualified vision rehabilitation and education professional are four-year public universities. H.R. 1315 would limit each recipient to no more than three years of tuition and fee assistance. VA reports that under H.R. 1315 it likely would grant about 20 individuals a three-year scholarship each year. Based on an average cost of about \$6,000 for four-year public universities, and assuming a 6 percent increase in tuition and fees each year, CBO estimates that implementing this provision would cost less than \$500,000 each year and about \$2 million over the 2008–2012 period, assuming the availability of appropriated funds.

Intergovernmental and private-sector impact: H.R. 1315 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Section 3 would extend the period after release of a servicemember from active duty during which the member is protected from mortgage foreclosure under the Servicemembers Civil Relief Act (SCRA) from 90 days to 180 days. Furthermore, it would extend the existing period of interest rate limitation under the SCRA by 180 days. This would constitute a mandate upon mortgage collectors, and the cost of the mandate would be the loss associated with delayed mortgage payments, delayed foreclosure, and interest rate limitations.

Based on historical separation rates, foreclosure rates, and mortgage interest rates, CBO estimates that the annual cost of the mandate would not exceed the threshold for private-sector mandates established in UMRA (\$131 million in 2007, adjusted annually for inflation).

Estimate prepared by: Federal Costs: Veterans' Readjustment Benefits—Mike Waters; Commerce and Housing Credit—Susanne S. Mehlman; Veterans' Housing—Sunita D'Monte; Military Personnel—Matthew Schmit; Medical Care—Michelle S. Patterson; Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum; Impact on the Private Sector: Victoria Liu.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):



## TITLE 38, UNITED STATES CODE

\* \* \* \* \*

### PART II—GENERAL BENEFITS

\* \* \* \* \*

#### CHAPTER 21—SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

\* \* \* \* \*

##### § 2102A. Assistance for veterans residing temporarily in housing owned by a family member

(a) \* \* \*

\* \* \* \* \*

*(d) ASSISTANCE FOR MEMBERS OF THE ARMED FORCES.—The Secretary may provide assistance under subsection (a) to a member of the Armed Forces serving on active duty who is suffering from a disability described in subsection (a)(2) or (b)(2) of section 2101 of this title if such disability is the result of an injury incurred or disease contracted in or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under subsection (a) to veterans eligible for assistance under that subsection and subject to the limitation under subsection (c).*

**[(d)] (e) REGULATIONS.**—Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.

**[(e)] (f) TERMINATION.**—No assistance may be provided under this section after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006.

\* \* \* \* \*

### PART III—READJUSTMENT AND RELATED BENEFITS

\* \* \* \* \*

#### CHAPTER 41—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

\* \* \* \* \*

##### § 4110. Advisory Committee on Veterans Employment, Train- ing, and Employer Outreach

(a) \* \* \*

\* \* \* \* \*

(c)(1) The Secretary of Labor shall appoint at least 12, but no more than **[15]** 16, individuals to serve as members of the advisory committee as follows:

(A) \* \* \*

\* \* \* \* \*

**CHAPTER 43—EMPLOYMENT AND REEMPLOYMENT  
RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES**

\* \* \* \* \*

**SUBCHAPTER IV—MISCELLANEOUS PROVISIONS**

\* \* \* \* \*

**§ 4332. Reports**

**【The Secretary shall】** (a) *REPORT REQUIRED.*—*The Secretary shall, after consultation with the Attorney General and the Special Counsel referred to in section 4324(a)(1) and no later than February 1, 2005, and annually thereafter, transmit to the Congress, a report containing the following matters for the fiscal year ending before such February 1:*

(1) \* \* \*

\* \* \* \* \*

(4) *The number of cases reviewed by the Secretary of Defense under the National Committee for Employer Support of the Guard and Reserve of the Department of Defense during the fiscal year for which the report is made.*

**【(4)】** (5) The nature and status of each case reported on pursuant to paragraph (1), (2), **【or (3)】** (3), or (4).

**【(5)】** (6) An indication of whether there are any apparent patterns of violation of the provisions of this chapter, together with an explanation thereof.

(7) *An indication of which of the cases reported on pursuant to paragraphs (1), (2), (3), and (4) are disability-related.*

**【(6)】** (8) Recommendations for administrative or legislative action that the Secretary, the Attorney General, or the Special Counsel considers necessary for the effective implementation of this chapter, including any action that could be taken to encourage mediation, before claims are filed under this chapter, between employers and persons seeking employment or reemployment.—

(b) *UNIFORM CATEGORIZATION OF DATA.*—*The Secretary shall coordinate with the Secretary of Defense, the Secretary of Veterans Affairs, the Attorney General, and the Special Counsel to ensure that the information required to be submitted as part of the report under subsection (a) is categorized in a uniform way.*

(c) *PROVISION OF INFORMATION.*—*The Secretary shall provide the information contained in the report required under subsection (a) to the Secretary of Defense, the Secretary of Veterans Affairs, the Attorney General, and the Special Counsel.*

\* \* \* \* \*

**PART V—BOARDS, ADMINISTRATIONS, AND  
SERVICES**

\* \* \* \* \*

## CHAPTER 76—HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE PROGRAM

### SUBCHAPTER I—GENERAL

7601. Establishment of program; purpose.

\* \* \* \* \*

### *SUBCHAPTER VIII—VISUAL IMPAIRMENT AND ORIENTATION AND MOBILITY PROFESSIONALS SCHOLARSHIP PROGRAM*

7691. *Authority for program.*

7692. *Eligibility; agreement.*

7693. *Scholarship.*

7694. *Obligated service.*

7695. *Repayment for failure to satisfy requirements of agreement.*

### SUBCHAPTER I—GENERAL

#### **§ 7601. Establishment of program; purpose**

(a) There is hereby established a program to be known as the Department of Veterans Affairs Health Professionals Educational Assistance Program (hereinafter in this chapter referred to as the “Educational Assistance Program”). The program consists of—

(1) \* \* \*

\* \* \* \* \*

(4) the employee incentive scholarship program provided for in subchapter VI of this chapter; **[and]**

(5) the education debt reduction program provided for in subchapter VII of this chapter**[.]; and**

(6) *the Visual Impairment and Orientation and Mobility Professionals Scholarship Program provided for in subchapter VIII of this chapter.*

\* \* \* \* \*

#### **§ 7602. Eligibility**

(a)(1) To be eligible to participate in the Educational Assistance Program under subchapter II, III, **[or VI]** VI, *or VIII* of this chapter, an individual must be accepted for enrollment or be currently enrolled as a student at a qualifying educational institution in a course of education or training that is approved by the Secretary and that leads toward completion of a degree in a field of education or training for which a scholarship may be awarded under subchapter II of this chapter, for which tuition reimbursement may be provided under subchapter III of this chapter, **[or for which a scholarship may be awarded under subchapter VI of this chapter]** *for which a scholarship may be awarded under subchapter VI of this chapter, or for which a scholarship may be awarded under subchapter VIII of this chapter, as the case may be.*

(b) An individual is not eligible to apply to participate in the Educational Assistance Program under subchapter II, III, **[or VI]** VI, *or VIII* of this chapter if the individual is obligated under any other Federal program to perform service after completion of the course of education or training of such individual referred to in subsection (a) of this section.

### § 7603. Application and acceptance

(a)(1) To apply to participate in the Educational Assistance Program under subchapter II, III, V, ~~VI~~ VI, or VIII of this chapter, an individual shall submit to the Secretary an application for such participation together with an agreement described in section 7604 of this title under which the participant agrees to serve a period of obligated service in the Veterans Health Administration as provided in the agreement in return for payment of educational assistance as provided in the agreement.

\* \* \* \* \*

### § 7604. Terms of agreement

An agreement between the Secretary and a participant in the Educational Assistance Program shall be in writing, shall be signed by the participant, and shall include the following provisions:

(1) The Secretary's agreement—

(A) to provide the participant with educational assistance as authorized in subchapter II, III, V, ~~VI~~ VI, or VIII of this chapter and specified in the agreement; and

\* \* \* \* \*

(2) The participant's agreement—

(A) \* \* \*

\* \* \* \* \*

(D) after completion of the course of training, to serve as a full-time employee in the Veterans Health Administration as specified in the agreement in accordance with subchapter II, III, V, ~~VI~~ VI, or VIII of this chapter.

\* \* \* \* \*

(5) Such other terms as are required to be included in the agreement under subchapter II, III, V, ~~VI~~ VI, or VIII of this chapter or as the Secretary may require consistent with the provisions of this chapter.

\* \* \* \* \*

## SUBCHAPTER VIII—VISUAL IMPAIRMENT AND ORIENTATION AND MOBILITY PROFESSIONALS SCHOLARSHIP PROGRAM

### § 7691. Authority for program

*As part of the Educational Assistance Program and subject to the availability of appropriations for such purpose, the Secretary shall carry out a scholarship program under this subchapter. The program shall be known as the Department of Veterans Affairs Visual Impairment and Orientation and Mobility Professionals Scholarship Program (hereinafter in this subchapter referred to as the "Program"). The purpose of the Program is to increase the supply of qualified blind rehabilitation specialists for the Department and the Nation.*

### § 7692. Eligibility; agreement

(a) *ELIGIBILITY.*—To be eligible to participate in the Program, an individual must be accepted for enrollment or enrolled (as described

in section 7602 of this title) as a full-time or part-time student in a field of education or training described in subsection (b).

(b) **QUALIFYING FIELDS OF EDUCATION OR TRAINING.**—A field of education or training described in this subsection is education or training leading to—

(1) a degree or certificate in visual impairment or orientation and mobility, or a dual degree or certification in both such areas; and

(2) appointment or retention in a position under section 7401 of this title.

(c) **AGREEMENT.**—(1) An agreement between the Secretary and a participant in the Program shall (in addition to the requirements set forth in section 7604 of this title) include the following:

(A) The Secretary's agreement to provide the participant with a scholarship under the Program for a specified number (from one to three) of school years during which the participant pursues a course of education or training described in subsection (b) that meets the requirements set forth in section 7602(a) of this title.

(B) The participant's agreement to serve as a full-time employee in the Veterans Health Administration for a period of three years (hereinafter in this subchapter referred to as the "period of obligated service") during the six-year period beginning on the date the participant completes the education or training and receives a degree or certificate described in subsection (b)(1).

(C) The participant's agreement to serve under subparagraph (B) in a Department facility selected by the Secretary.

(2) In a case in which an extension is granted under section 7673(c)(2) of this title, the number of years for which a scholarship may be provided under the Program shall be the number of school years provided for as a result of the extension.

(3) In the case of a participant who is a part-time student, the period of obligated service shall be reduced in accordance with the proportion that the number of credit hours carried by such participant in any such school year bears to the number of credit hours required to be carried by a full-time student in the course of training being pursued by the participant, but in no event to less than one year.

### **§ 7693. Scholarship**

(a) **SCHOLARSHIP.**—A scholarship provided to a participant in the Program for a school year shall consist of payment of the tuition (or such portion of the tuition as may be provided under subsection (b)) of the participant for that school year and payment of other reasonable educational expenses (including fees, books, and laboratory expenses) for that school year.

(b) **AMOUNTS.**—The total amount of the scholarship payable under subsection (a)—

(1) in the case of a participant in the Program who is a full-time student, may not exceed \$15,000 for the equivalent of one year of full-time coursework; and

(2) in the case of a participant in the Program who is a part-time student, shall bear the same ratio to the amount that would be paid under paragraph (1) if the participant were a

*full-time student in the course of education or training being pursued by the participant as the coursework carried by the participant to full-time coursework in that course of education or training.*

(c) *LIMITATIONS ON PERIOD OF PAYMENT.—(1) The maximum number of school years for which a scholarship may be paid under subsection (a) to a participant in the Program shall be six school years.*

(2) *A participant in the Program may not receive a scholarship under subsection (a) for more than the equivalent of three years of full-time coursework.*

(d) *PAYMENT OF EDUCATIONAL EXPENSES BY EDUCATIONAL INSTITUTIONS.—The Secretary may arrange with an educational institution in which a participant in the Program is enrolled for the payment of the educational expenses described in subsection (a). Such payments may be made without regard to subsections (a) and (b) of section 3324 of title 31.*

(e) *FULL-TIME COURSEWORK.—For purposes of this section, full-time coursework shall consist of the following:*

(1) *In the case of undergraduate coursework, 30 semester hours per undergraduate school year.*

(2) *In the case of graduate coursework, 18 semester hours per graduate school year.*

#### **§ 7694. Obligated service**

(a) *IN GENERAL.—Each participant in the Program shall provide service as a full-time employee of the Department for the period of obligated service provided in the agreement of the participant entered into under section 7604 of this title. Such service shall be provided in the full-time clinical practice of such participant's profession or in another health-care position in an assignment or location determined by the Secretary.*

(b) *DETERMINATION OF SERVICE COMMENCEMENT DATE.—(1) Not later than 60 days before a participant's service commencement date, the Secretary shall notify the participant of that service commencement date. That date is the date for the beginning of the participant's period of obligated service.*

(2) *As soon as possible after a participant's service commencement date, the Secretary shall—*

(A) *in the case of a participant who is not a full-time employee in the Veterans Health Administration, appoint the participant as such an employee; and*

(B) *in the case of a participant who is an employee in the Veterans Health Administration but is not serving in a position for which the participant's course of education or training prepared the participant, assign the participant to such a position.*

(3)(A) *In the case of a participant receiving a degree from a school of medicine, osteopathy, dentistry, optometry, or podiatry, the participant's service commencement date is the date upon which the participant becomes licensed to practice medicine, osteopathy, dentistry, optometry, or podiatry, as the case may be, in a State.*

(B) *In the case of a participant receiving a degree from a school of nursing, the participant's service commencement date is the later of—*

(i) *the participant's course completion date; or*

- (ii) the date upon which the participant becomes licensed as a registered nurse in a State.
- (C) In the case of a participant not covered by subparagraph (A) or (B), the participant's service commencement date is the later of—
  - (i) the participant's course completion date; or
  - (ii) the date the participant meets any applicable licensure or certification requirements.
- (4) The Secretary shall by regulation prescribe the service commencement date for participants who were part-time students. Such regulations shall prescribe terms as similar as practicable to the terms set forth in paragraph (3).
- (c) COMMENCEMENT OF OBLIGATED SERVICE.—(1) Except as provided in paragraph (2), a participant in the Program shall be considered to have begun serving the participant's period of obligated service—
  - (A) on the date, after the participant's course completion date, on which the participant (in accordance with subsection (b)) is appointed as a full-time employee in the Veterans Health Administration; or
  - (B) if the participant is a full-time employee in the Veterans Health Administration on such course completion date, on the date thereafter on which the participant is assigned to a position for which the participant's course of training prepared the participant.
- (2) A participant in the Program who on the participant's course completion date is a full-time employee in the Veterans Health Administration serving in a capacity for which the participant's course of training prepared the participant shall be considered to have begun serving the participant's period of obligated service on such course completion date.
- (d) COURSE COMPLETION DATE DEFINED.—In this section, the term "course completion date" means the date on which a participant in the Program completes the participant's course of education or training under the Program.

**§ 7695. Repayment for failure to satisfy requirements of agreement**

- (a) IN GENERAL.—An individual who receives educational assistance under this subchapter shall repay to the Secretary an amount equal to the unearned portion of such assistance if the individual fails to satisfy the requirements of the agreement entered into under section 7604 of this title, except in circumstances authorized by the Secretary.
- (b) AMOUNT OF REPAYMENT.—The Secretary shall establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to the required repayment may be granted.
- (c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary shall prescribe regulations providing for the waiver or suspension of any obligation of an individual for service or payment under this subchapter (or an agreement under this subchapter) whenever non-compliance by the individual is due to circumstances beyond the control of the individual or whenever the Secretary determines that the waiver or suspension of compliance is in the best interest of the United States.

(d) *OBLIGATION AS DEBT TO UNITED STATES.*—An obligation to repay the Secretary under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date of the termination of the agreement or contract on which the debt is based.

\* \* \* \* \*

### SECTION 303 OF THE SERVICEMEMBERS CIVIL RELIEF ACT

#### SEC. 303. MORTGAGES AND TRUST DEEDS.

(a) \* \* \*

\* \* \* \* \*

(c) *SALE OR FORECLOSURE.*—A sale, foreclosure, or seizure of property for a breach of an obligation described in subsection (a) shall not be valid if made during, or within **90 days** 180 days after, the period of the servicemember's military service except—

(1) \* \* \*

\* \* \* \* \*

(e) *APPLICABILITY OF INTEREST RATE LIMITATION.*—Section 207 shall apply with respect to an obligation described in subsection (a) during the 180-day period beginning on the last day of the period of the servicemember's military service in the same manner that section applies with respect to such an obligation during the period of the servicemember's military service.